

REMARKS/ARGUMENTS

Claims 1-21 are pending in the present application. Claim 17 is rejected for failing to comply with 35 USC § 112, sixth paragraph. Claims 1-5, 9-13, 15-17 and 19-21 have been rejected under 35 USC § 102(b) as anticipated by US Pat No 4,637,529 to Tarlton. Claims 8 and 14 have been rejected under 35 USC § 103(a) as obvious over Tarlton, and separately under Tarlton in view of US Pat No 1,651,912 to Thompson. By way of the present amendments, Claim 1 has been amended to more clearly state the subject matter being claimed. Claims 6-8 and 11 have been amended to correctly identify the claims from which they depend, while Claims 11 and 14-16 have been amended to correct minor grammatical errors.

Rejection under 35 USC § 112, 6th paragraph

Applicant respectfully seeks clarification of this Rejection, namely the line number or other identifier for the objectionable claim language. In the Office Action at page 2, Examiner states that "the word 'means' is preceded by the word(s) 'displacing product'... However, since no function is specified by the word(s) preceding 'means,' it is impossible to determine the equivalents of the element..."

Claim 17 requires a "displacing means" (line 4) and a "conditioning means" (line 8). The words "displacing product" do not appear in tandem anywhere in the claims, and the word "means" is not believed to be so modified. Clarification or withdrawal of this rejection is believed needed.

Rejection under 35 USC § 102(b)

Claims 1-5, 9-13, 15-17 and 19-21 have been rejected under 35 USC § 102(b) as anticipated by US Pat No 4,637,529 to Tarlton. As filed, Claim 1 of the present invention, from which each of the remaining claims depends, required, *inter alia*, a

plastic guide profile. In their disclosure, Applicants refer specifically to "guides over which the products can slide directly or via a product carrier." Specification at page 1, lines 11-12 (emphasis added). This requirement is reflected in amended Claim 1 herein.

Tarlton does not teach this limitation. To the contrary, the outer guide 42 disclosed in Tarlton "extends about the spiral conveying path [and] provides an outer restraint for guiding the conveyed products." '529 at Col. 3, lines 37-39; see also Fig. 5 (clearly showing outer guide 42 along the conveying path). Furthermore, Tarlton does not teach that products can slide over outer guide 42, directly or via a product carrier. Therefore, Tarlton does not teach all of the limitations of amended Claim 1 and cannot form the basis for rejection under 35 USC § 102. Applicants respectfully request that these rejections be withdrawn.

Rejections under 35 USC § 103(a)

Claims 8 and 14 have been rejected under 35 USC § 103(a) as obvious over Tarlton, and separately under Tarlton in view of US Pat No 1,651,912 to Thompson. For the reasons set forth above, Applicants submit that Tarlton does not teach all of the limitations of amended Claim 1, and thus the obviousness of dependent Claims 8 and 14 cannot be maintained. Moreover, Thompson does not cure Tarlton, in that Thompson does not disclose a guide profile having a guide surface over which displaceable objects can slide. Thus, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

Applicants believe that, in view of the foregoing, this Application is in condition for allowance, the same being courteously solicited.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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